

DOCKET FILE COPY ORIGINAL

WC 0449

COPY



CABLE & WIRELESS

DATE STAMP & RETURN

Writer's Direct Dial:
(703) 667-6152

Cable & Wireless
11700 Plaza America Drive
Reston
VA 20190

www.cw.com

February 26, 2004

BY HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RECEIVED

FEB 26 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Section 63.71 Application of Cable & Wireless USA, Inc., Debtor-in-Possession

Dear Ms. Dortch.

Enclosed for filing is an application of Cable & Wireless USA, Inc., Debtor-in-Possession, for authority pursuant to section 214(a) of the Communications Act to discontinue domestic telecommunications service.

An original and five copies are enclosed. According to the Common Carrier Services Fee Filing Guide, "[a] fee is not required for requests for reduction or discontinuance of service."

Please direct any inquiries regarding this matter to the undersigned.

Respectfully submitted,

Cathleen K. Wasilewski/rls.

Cathleen K. Wasilewski
Director, Domestic Regulatory Affairs

Enclosures

cc: Jeremy Miller, Wireline Competition Bureau
Rodney McDonald, Wireline Competition Bureau
Brad Koerner, Wireline Competition Bureau

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Cable & Wireless USA, Inc.,)	File No. _____
Debtor-in-Possession)	
)	
Section 63.71 Application for Authority to)	
Discontinue Certain U.S. Domestic)	
Telecommunications Services)	

SECTION 63.71 APPLICATION

Cable & Wireless USA, Inc., Debtor-in-Possession ("C&W USA") hereby requests authority pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and Section 63.71 of the rules of the Federal Communications Commission, 47 C.F.R. § 63.71, to discontinue the provision of certain U.S. domestic interstate telecommunications services in certain geographic areas. C&W USA is non-dominant with respect to the services being discontinued and customers have numerous options for service by other service providers. Affected customers have been notified in the manner described in Section 63.71(a).

Applicant provides the following information in support of this Application pursuant to Section 63.71 of the Commission's rules:

I. SECTION 63.71(a) INFORMATION

(1) Name and address of carrier:

Cable & Wireless USA, Inc.
11700 Plaza America Drive
Reston, VA 20190

(2) Date of planned service discontinuance:

Applicant plans to discontinue these services on April 8, 2004.

(3) Geographic areas affected:

Affected customers are located in the states of: California; Connecticut; Delaware; Florida; Georgia; Illinois; Massachusetts; Maryland; New Hampshire; New Jersey; New York; North Carolina; Oklahoma; Pennsylvania; Tennessee; Texas; Virginia; and the District of Columbia.

(4) Brief description of type of service affected:

Applicant hereby seeks authority to discontinue the provision of U.S. domestic interstate managed data services and private line service in certain locations. C&W USA provides other domestic and international telecommunications and information services that will not be affected by this discontinuance.

II. NOTIFICATION REQUIREMENTS

All customers were notified of this proposed discontinuance by personalized letters between December 26, 2003 and February 23, 2004 (*See Attachment A for sample letters*). These letters included all content required by Section 63.71(a) and were sent at least 45 days in advance of the proposed discontinuance.

Applicant certifies that concurrent with the filing of this Application, Applicant is submitting a copy of this Application to the public utility commission and governor of each state in which discontinuance is proposed, and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a).

III. REGULATORY STATUS

Applicant is regulated as a non-dominant carrier with respect to the service that it seeks authority to discontinue.

IV. CONCLUSION

Neither the present nor future public convenience and necessity will be adversely affected by this proposed termination of service. Customers have been provided adequate notice, and the public clearly has access to comparable domestic interstate telecommunications services offered at competitive prices by many other telecommunications carriers.

For the foregoing reasons, Applicant respectfully requests, pursuant to Section 214(a) of the Act, 47 U.S.C. § 214(a), and Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, that the Commission approve its Section 63.71 Application to discontinue the provision of U.S. domestic interstate telecommunications services as described herein.

Respectfully submitted,

Cable & Wireless USA, Inc.

By: Cathy L. Slesinger / dsk
Cathy L. Slesinger
Senior Vice President
Public Policy USA

February 26, 2004

Attachment A: Sample Customer Notification Letters (sent on company letterhead)

January 29, 2004

<<Customer Name>>

<<Account Name>>

<<Address line 1>>

<<Address line 2>>

RE: <<Notice of Discontinuance of Private Line Services Associated with Circuit Numbers _____>>

Dear <<customer name>>,

Cable & Wireless America remains committed to providing exceptional value to the US marketplace, and we are continuing to evaluate our product & service offerings and network infrastructure in order to deliver the highest quality services to our customers.

Based on this ongoing evaluation, we are consolidating our network to focus on Hosting and IP Solutions. While we continue to invest in flexible and secure IP connectivity and networking services, as well as our secure infrastructure, we are discontinuing Private Line services in the following locations in the US:

Austin, TX
Baltimore, MD
Cleveland, OH

Kansas City, KA
Metairie, LA
Nashville, TN

Orlando, FL
Portland, OR
Raleigh, NC

San Antonio, TX
Santa Clara, CA
Houston, TX

As a result, Cable & Wireless America will no longer offer the Private Line services associated with the circuit numbers referenced above. This was a difficult decision as we have been providing these services to customers for many years. We regret any inconvenience this service discontinuance may cause.

On Tuesday, March 30, 2004, Cable & Wireless America will discontinue providing service for your circuit(s) referenced above. It will be necessary for you to select an alternative service provider and migrate to that new provider's network before March 30th so that you do not experience disruption in service.

If your company has ordered its own loop(s) from your local access provider, your new service provider may be able to migrate the loop. If migration is not possible and your company is the local access provider's "customer of record" for the loop, you must request a disconnect from your local access provider in order to ensure that your company is no longer charged for the loop. If, however, Cable & Wireless America provides your loop(s), you will need to order a new loop with your new service provider.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of Cable & Wireless USA, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. You should also e-mail your comments to Rodney McDonald at the FCC at rodney.mcdonald@fcc.gov.

Decisions that impact our customers are never easy, but we are committed to keeping you informed of all changes that may affect the services Cable & Wireless America provides to your company. Please note that only the circuits referenced at the top of this letter are affected. This letter does not affect other products or services, including Private Line services in other locations that you may receive from Cable & Wireless America. If you have any questions about the circuit(s) referenced above, please contact our Customer Support Services Hotline at 1-800-528-8156.

While we recognize the short-term inconvenience, we appreciate your patience as we continue to refine our business to ensure that we are your first choice for complex hosting and IP solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Stiffler".

Patricia Stiffler
Vice President, Customer Support Services
Cable & Wireless America

February 2, 2004

<<Customer Name>>

<<Account Name>>

<<Address line 1>>

<<Address line 2>>

RE: <<Notice of Discontinuance of Manage Data Service Associated with Circuit Number ____>>

Dear <<customer name>>,

This letter is to give you notice that we are discontinuing the circuits mentioned above.

Cable & Wireless America remains committed to providing exceptional value to the US marketplace, and we are continuing to evaluate our service offerings in order to deliver the highest quality services to our customers.

Based on this ongoing evaluation we are rationalizing our product set to focus on hosting and IP solutions. While we continue to invest in flexible and secure IP connectivity and networking services, as well as our secure infrastructure, **we are discontinuing Managed Data Service in the US. As a result, Cable & Wireless America will no longer offer the Managed Data Service we currently provide to your company.** This was a difficult decision as we have been providing these services to customers for many years. We regret any inconvenience this service discontinuance may cause.

On Thursday, April 1, 2004 Cable & Wireless America will discontinue providing service for your account(s) referenced above. It will be necessary for you to select an alternative service provider and migrate to that new provider's network before April 1, 2004 so that you do not experience disruption in service.

If your company has ordered its own loop(s) from your local access provider, your new service provider may be able to migrate the loop. **If migration is not possible and your company is the local access provider's "customer of record" for the loop, you must request a disconnect from your local access provider in order to ensure that your company is no longer charged for the loop.** If, however, Cable & Wireless America provides your loop(s), you will need to order a new loop with your new service provider.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of Cable & Wireless USA, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. A copy of your comments should also be sent via e-mail to Rodney McDonald at the FCC at rodney.mcdonald@fcc.gov.

Decisions that impact our customers are never easy, but we are committed to keeping you informed of all changes that may affect the services Cable & Wireless America provides to your company. Please note that only the accounts referenced at the top of this letter are affected. This letter does not affect other, non-Managed Data Service that you may receive from Cable & Wireless America. If you have any questions about the account(s) referenced above, please contact the Cable & Wireless America Customer Support Services Hotline at 1-800-528-8156.

While we recognize the short-term inconvenience, we appreciate your patience as we continue to refine our business to ensure that we are your first choice for complex hosting and IP solutions.

Sincerely,



Patricia Stiffler
Vice President, Customer Support Services
Cable & Wireless America

February 6, 2004

<<Customer Name>>

<<Account Name>>

<<Address line 1>>

<<Address line 2>>

RE: <<Notice of Discontinuance of Services Associated with Circuit Numbers _____>>

Dear <<customer name>>,

This letter is to give you notice that we are discontinuing the circuits mentioned above.

As you may be aware, on June 4, 2003 Cable & Wireless plc (CWplc), Cable & Wireless America's (CWA) parent company based in the UK, announced plans to withdraw from the US market. To accomplish this withdrawal, CWA and CWplc separated their business operations, including agreeing on which company would continue to provide service to existing customers going forward. As part of the separation, CWplc is in the process of migrating customer circuits off of CWA facilities in the US and onto its own network.

CWplc has informed CWA that CWplc is not planning to migrate the circuit numbers referenced above. As a result, CWA will no longer be providing the services associated with these circuits. We regret any inconvenience this service discontinuance may cause.

On Thursday, April 8, 2004, Cable & Wireless America will discontinue providing service for your circuit(s) referenced above. It will be necessary for you to select an alternative service provider and migrate to that new provider's network before April 8, 2004 so that you do not experience disruption in service.

The final bill for your services in these locations, dated May 1, 2004, will reflect a credit from April 9 through April 30th.

If your company has ordered its own loop(s) from your local access provider, your new service provider may be able to migrate the loop. *If migration is not possible and your company is the local access provider's "customer of record" for the loop, you must request a disconnect from your local access provider in order to ensure that your company is no longer charged for the loop.* If, however, Cable & Wireless America provides your loop(s), you will need to order a new loop with your new service provider.

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of Cable & Wireless USA, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. You should also e-mail your comments to Rodney McDonald at the FCC at rodney.mcdonald@fcc.gov.

Please note that only the circuits referenced at the top of this letter are affected. If you have any questions about the circuit(s) referenced above, please contact our Customer Support Services Hotline at 1-800-528-8156.

While we recognize the short-term inconvenience, we appreciate your patience as we continue to refine our business to ensure that we are your first choice for complex Hosting and IP Solutions.

Sincerely,



Patricia Stiffler

Vice President, Customer Support Services
Cable & Wireless America

CERTIFICATE OF SERVICE

This is to certify that, on February 26, 2004, a copy of the foregoing Section 63.71 Application of Cable & Wireless USA, Inc., was sent, via First Class Mail (except where noted), to the persons listed below.

Cathleen K. Wasilewski/445

Cathleen K. Wasilewski
Cable & Wireless USA, Inc.

Marlene H. Dortch Secretary Federal Communications Commission 445 12 th Street S.W. Washington, DC 20554 (By hand-delivery)	Jeremy Miller Wireline Competition Bureau Federal Communications Commission 445 12 th Street S.W. Washington, DC 20554 (By hand-delivery)
Rodney McDonald Wireline Competition Bureau Federal Communications Commission 445 12th Street S.W. Washington, DC 20554 (By hand-delivery)	Brad Koerner Wireline Competition Bureau Federal Communications Commission 445 12th Street S.W. Washington, DC 20554 (By hand-delivery)
Secretary of Defense Attn: Special Assistant for Telecommunications The Pentagon Washington, DC 20301	
Executive Director California Public Utilities Commission 505 Van Ness Avenue San Francisco, California 94102	Telecommunications Adviser Office of the Governor State Capitol Sacramento, CA 95814
Executive Secretary Connecticut Department of Public Utility Control Ten Franklin Square New Britain, CT 06051	Telecommunications Adviser Office of the Governor 210 Capitol Avenue Hartford, CT 06106

Telecommunications Adviser Office of the Governor Dover Office Tatnall Building William Penn Street, 2nd Fl. Dover, DE 19901	Executive Director Delaware 861 Silver Lake Boulevard Cannon Building, Suite 100 Dover, DE 19904
Telecommunications Adviser Office of the Mayor Government of the District of Columbia John A. Wilson Building 1350 Pennsylvania Avenue, N.W. Washington, DC 20004	Office of the Secretary District of Columbia Public Service Commission 1333 H St. N.W. Washington, D.C. 20005
Telecommunications Adviser Office of the Governor The Capitol Tallahassee, FL 32399-0001	Office of the Executive Director Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850
Telecommunications Adviser Office of the Governor 203 State Capitol Atlanta, GA 30334	Office of the Secretary Georgia Public Utilities Commission 244 Washington St. S.W. Atlanta, Georgia 30334
Chief Clerk Illinois Commerce Commission 527 E. Capital Avenue 8th Floor Springfield, IL 62701	Telecommunications Adviser Office of the Governor 207 Statehouse Springfield, Illinois 62706
Telecommunications Adviser Office of the Governor State House Room 360 Boston, MA 02133	Executive Secretary Massachusetts Department of Telecommunications and Energy Commission One South Station Boston, Massachusetts 02110
Telecommunications Adviser Office of the Governor State House 100 State Circle Annapolis, MD 21401	Executive Director Maryland Public Service Commission William Donald Schaefer Tower 6 St. Paul St., 16th Floor Baltimore, MD 21202
Telecommunications Adviser Office of the Governor 107 North Main Street Room 208 Concord, NH 03301 USA	Executive Director New Hampshire Public Utility Commission 8 Old Suncook Road Concord, NH 03301-7319
Telecommunications Adviser Office of the Governor 125 West State Street P.O. Box 001 Trenton, New Jersey 08625	Secretary New Jersey Board of Public Utilities Two Gateway Center, 8th Floor Newark, New Jersey 07102

Telecommunications Adviser Office of the Governor State Capitol Albany, NY 12224	Office of the Secretary New York State Public Service Commission 3 Empire State Plaza Albany, New York 12223-1350
Telecommunications Adviser Office of the Governor 20301 Mail Service Center Raleigh, North Carolina 27699-0301	Executive Director North Carolina Utilities Commission 4325 Mail Service Center Raleigh, NC 27699-4325
Commission Secretary Oklahoma Corporation Commission 2101 N. Lincoln Blvd. P.O. Box 52000 Oklahoma City, Oklahoma 73152	Telecommunications Adviser Office of the Governor State Capitol Bldg. Oklahoma City, Oklahoma 73105
Executive Secretary Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Second Floor, Room N201 Harrisburg, PA 17120	Telecommunications Adviser Office of the Governor Room 225 Main Capitol Building Harrisburg, PA 17120
Executive Secretary Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505	Telecommunications Adviser Office of the Governor State Capitol Nashville, TN 37243-0001
Executive Director Public Utility Commission of Texas 1701 N. Congress Avenue P.O. Box 13326 Austin, Texas 78711-3326	Telecommunications Adviser Office of the Governor P.O. Box 12428 Austin, Texas 78711
Clerk Virginia State Corporation Commission Tyler Building 1300 E. Main St. Richmond, Virginia 23219	Telecommunications Adviser Office of the Governor State Capitol Richmond, Virginia 23219